

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F043923**

**People v. Gaytan**

The judgment and sentence are affirmed. Dawson, J.

We concur: Cornell, Acting P.J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F045216**

**People v. Garza**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F045216**

**People v. Garza**

The judgment is affirmed. The finding that the attempted burglary is a violent felony is stricken. If necessary, a new abstract of judgment should be issued striking any finding that count 2 is a violent felony.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F045313**

**People v. Kuykendall**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F045495**

**People v. Lopez**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F045495      People v. Lopez**

The judgment is affirmed. The section 1202.4 restitution fine of \$600 imposed by the trial court on February 10, 2004, in Tulare Co. Superior Court case No. 02-94105 is stricken. This case also is remanded to the trial court for a determination of the actual time Lopez spent in custody and the credits he earned as a result thereof.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F044552      People v. Patrick**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F044552      People v. Patrick**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F044563      People v. Ferrel**

The above-entitled case is submitted for decision.

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- F044563      People v. Ferrel**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F045610      People v. Kennedy III**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F044821      People v. Graham**  
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F044733      People v. Edwards**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F042780      People v. Overstreet**  
Appellant's petition for rehearing filed herein is denied.
- F045827      In re Lawrence W. et al., Minors**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F042199      People v. Hastings**

The judgment is affirmed. Dibiaso, Acting P.J.

We concur: Vartabedian, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F044102      People v. Freudiger**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F043746      McDowell et al. v. California Dairies, Inc.**

Plaintiff's petition for rehearing in the above entitled matter is denied.

**F045496      People v. Gamboa**

The above-entitled case is submitted for decision.

**F045496      People v. Gamboa**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F045809      People v. Jimenez**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F045809      People v. Jimenez**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F044015      People v. DeLeon**

Appellant's petition for rehearing filed herein is denied.